

[23rd January 1948]

[The Advocate-General (Sri K. Rajah Ayyar)]

discussion only when it is brought up before the House. Discussion starts only when the Mover has moved. Because, there is that qualification that none of the motions can be made to interrupt a speech. Therefore, first of all the motion has to be made, and then there is the speech to be made. At any time thereafter the third motion can be brought up and the business under discussion shall be considered to be disposed of. That I think is the meaning of the rule. As far as the actual point before the House is concerned, these are my views. I shall clear any other points if required."

MR. PRESIDENT.—"The point that arises for discussion is this. (Interruption by the Hon. Sri K. Madhava Menon.) As you agree with me, let us finish off with the Advocate-General first. I think I am making this clear. The point is this. The other day even before a resolution was proposed or seconded, the Government brought in a motion saying 'we do pass on to the business next in order in the list of business.' I held that the motion was quite right and therefore that business was dropped.

3-16  
p.m.

"Subsequently I felt on reading it over again a doubt whether I ought to have allowed it at that stage or allowed such a motion only after the motion was moved and seconded. That would be the proper time—I thought subsequently—for allowing a motion of that sort, viz., 'that we do pass on to the subject next in order.' It is only that point that I wanted to get cleared. The Advocate-General can enlighten us on that point, namely whether such a motion can be made even before a motion is moved and seconded or only after a motion is moved and seconded. As he says this consists of three contingencies. The motion that a meeting be adjourned can be moved at any time. By its very nature, as soon as we meet now, any Member can rise and say 'We do adjourn'. No further discussion is necessary about that. The only discussion necessary is about the business being adjourned or postponed and the House passing on to the next subject in order. When are these motions to be made? Is it in order to bring in such a motion even before a particular Member rises and moves and another hon. Member seconds a resolution or such other motion. Even when I call upon any Member to make his motion is it open to any other Member to rise and say: 'Let us pass on to the next business'. That is the point on which I would like to be enlightened."

\* THE HON. SRI K. MADHAVA MENON :—"I submit, Sir, that the words 'at any time' applies to all the three cases. My doubt is this. Under the ordinary principles of interpretation no words will be ordinarily used in a Statute without some meaning. Therefore the words 'at any time' will apply to all the three cases mentioned by the Advocate-General, whether it is a motion for adjournment, postponement or that the House pass to the business next in order in the list of business. The only condition is that you should not interrupt a speech. So, without interrupting a

23rd January 1948] [Sri K. Madhava Menon]

speech any of the three motions can be made at any time. My doubt is this. Suppose the first item is over, and the Hon. President calls upon any Member to take item 2 standing in his name. I say that before he stands up I can move that we may pass on to the item next in the order of business. You must give some meaning to the words 'at any time'. The other Member whom you have called upon has not begun his speech. At any time I or any other Member can get up and say 'We pass on to the next item.' Then if I can do it at any time without interrupting a speech my motion will be in order. The only difficulty will be about the words 'business then under discussion'. What is the meaning of the words 'business under discussion'? I say that the business under discussion is the item which you have called upon to be moved. After the first two items are over if you have called upon a Member to move the third item then it becomes a motion. Then we will come to this position. It is said that not only a Member must move but another member should second it. If it is a non-official motion, the Member must move and make a speech and another member must second and make a speech. Then only we can move a motion for passing on to the next item of business. If that is the interpretation that is to be put then I submit that the words 'at any time' are very important. When the President asks a particular Member to move a motion after the first motion is over and before the Member begins a speech if I make a motion without interrupting a speech you are bound to admit it. There is a fullstop there after the word 'speech'. The only condition is that I should not interrupt a speech. Before that Member gets up and makes a speech if you have passed on to the next item or called upon the Member to move and before that member moves or gets up I say: 'Sir, we pass on to the next item of the business' then it satisfies all the conditions that are required for the motion to be in order. Then the motion will be in order whatever may be the result of the vote. The only question now is 'what is business under discussion'. According to me it can be a business under discussion when you have asked it to be moved."

MR. PRESIDENT:—"I think the Advocate-General can wait to hear some other hon. Members. Does any other hon. Member want to say anything on this."

SRI M. NARAYANA MENON:—"I wish to point out one thing after hearing Mr. Madhava Menon's speech in respect of the words 'at any time.' I do not want to say anything against it because I agree with him. The latter portion of the rule reads—

'If the motion is carried, the meeting or business shall, subject to the provisions of sub-rule (3) of rule 15, be adjourned or postponed accordingly, or if the motion carried be that the House pass to the business next in order in the list of business, the business then under discussion shall be considered to be disposed of.'

[Sri M. Narayana Menon]

[23rd January 1948]

We have no difficulty if a motion 'that the House pass on to the next business in the list' is carried. The difficulty is about the business under discussion. What we are concerned with is that if that motion is carried what will be the result subsequently. If the motion is that the meeting or business be adjourned or postponed subject to sub-rule (3) of rule 15 the business will be adjourned or postponed accordingly. With regard to the other thing, namely if the motion that the House pass to the business next in order in the list of business, is carried, what will be the result? The business then under discussion shall be considered to be disposed of. Then we have to consider what is the meaning of the expression 'the business under discussion.' I say that the business under discussion means the business in respect of which a motion is made. I think the rule is clear. At any time without previous notice the motion can be moved that the House pass on to the business next in order in the list of business. If it is passed then that business will be considered to be disposed of, because the business then under discussion means, the business in respect of which the motion is made. I think the view that was taken by the President previously is the correct view. Therefore, there is no necessity to water it down subsequently."

SRI S. B. ADITYAN :—" Mr. President, I hope the learned Advocate-General will explain in his reply what is meant by the 'business under discussion.' Does it become a business under discussion the moment you mention that the next item on the Agenda be taken up or does it become a business under discussion as soon as it is moved or does it become a business under discussion as soon as it is moved and seconded? I hope the learned Advocate-General will enlighten us on that point. The important words are 'under discussion' and not 'the business under discussion.'"

"As he mentioned there are three things, that the meeting be adjourned or a business be postponed or the House pass on to the next item in order in the list. I want to know what is the difference if there is meant to be a difference, between the second and the third category."

MR. PRESIDENT :—" Adjourned or postponed? "

SRI S. B. ADITYAN :—" It is said that the business be adjourned. First of all there is this, that the meeting be adjourned. That part is quite clear. When there is a motion that the business be adjourned, how does it differ from the other motion that the House pass on to the business next in order in the list. I merely suggest that probably the motion that the business be adjourned can be brought at any time."

MR. PRESIDENT :—" We are not really on that point what is the effect of adjourning or what is the effect of postponing a business or what is the effect of passing on. We are not really on that point. The point is when can these motions be made."

23rd January 1948]

SRI S. B. ADITYAN :—“ Of course, the whole thing centres round this, namely when does a business become a business under discussion. If I may venture to offer my opinion, I say it does not become a ‘business under discussion’ until it is actually ‘under discussion.’ If the Government want to move a dilatory motion before it becomes a subject of discussion, they must do so under some other Rule.”

\* THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—“ Mr. President, I shall illustrate by assuming that there are 10 items on the Agenda. Under rule 63 any business may be postponed. Therefore there may be a motion at any time saying for example, that item 5 in the Agenda may be postponed, item 7 may be postponed or items 5 and 7 may be postponed. Any business may therefore be postponed at any time. There is no restriction at all as to when such a motion can be made. The only restriction is not to interrupt a speech. So long as a speech is not interrupted, without any limitation as to time the proposal that the meeting itself be adjourned or any business on the Agenda be postponed would be in order. If such a motion is carried the effect is: The meeting or business subject to the provisions of sub-rule (3) of rule 15 will be adjourned or postponed accordingly.”

MR. PRESIDENT :—“ That is changing the order.”

THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—“ Subject to that rule therefore it is adjourned. Or if the motion carried is that the House proceed with the business next in order in the list of business, such a contingency can possibly arise only when there is a next item in the order of business. Therefore we will assume that No. 3 is being discussed. The motion which is contemplated can only be that you pass on to No. 4. The point is: next in order of business. We have got rule 15 which says that the order of business as appointed shall not be revised except upon a motion accepted by the House. Therefore the House has to proceed with the items in the order of one, two, three, four, five, etc. Therefore when business No. 3 is under discussion then the motion can be that we pass on to business No. 4. Only this contingency can arise. Because if when business No. 3 is being discussed there is going to be a proposal that No. 5 may be postponed or 6 be postponed it will only come under the earlier clause of business being postponed. It won't be passing on to the item next in the order of business. Therefore ‘next in order of business’ can come in only when for example in the illustration which I have given, 3 is being taken up. The real point that arises is when can that motion be made. No doubt that can also be made at any time, without any limitation as to time. That can also be made only so as not to interrupt a speech. But in testing it practically the contingency can arise only if No. 3 is under discussion and No. 4 has to be taken up or is proposed to be taken up. The real point therefore for consideration, will be when does the business come under discussion? It is said that it becomes a business under discussion the moment the Chair calls upon the

[The Advocate-General (Sri K. Rajah Ayyar)]

[23rd January 1948]

mover to move. Does it become a business under discussion only after it has been proposed and seconded or at any earlier stage. I would venture to think that having regard also to the words 'at any time' as pointed out by the Hon. Mr. Madhava Menon—we have got to give a meaning to it—it is not necessary that it should have been seconded even. We have to give meaning to the words 'business then under discussion' also. It is possible to say that a business becomes a 'business under discussion' the moment the Chair calls upon the mover to move. It may be possible to say that the business becomes a 'business under discussion' only if it has been formally moved and seconded. But I venture to think that having regard also to the words 'at any time' a business becomes a 'business under discussion' the moment the mover has moved the resolution. I would say that by the mere fact that the Chair calls upon a particular mover to move or bring it up for discussion will not bring it under discussion until the mover moves. Suppose the mover says: 'I do not move it at all' then it does not come under discussion at all. The Chair merely brings it up for discussion. It settles the Agenda and it brings it up for discussion by calling upon the mover to move. The mover moves, then the question is taken up. In one sense, it does not finally come up for discussion, in the sense that the seconder has also got to second it and that till the seconder seconds it, it does not actually come up for discussion. But we have also to take the words 'at any time.' The effect of it can come therefore the moment the mover moves. Supposing he moves it and does not make a speech then there is no difficulty at all. Supposing he moves and makes a speech, then immediately thereafter the business is under discussion and that business is deemed to have been disposed of by the passing of a motion that 'the House pass on to the business next in order in the list of business', and we have got to proceed to the next item in the Agenda. I do not know if I have made myself clear. I have given my opinion that the business under discussion starts when the mover has made his speech. Any time thereafter, a motion can be brought."

3:30 p.m. SRI B. BHIMA RAO :—"If it is seconded or simply moved?"

THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—"The moment it is moved."

\* DR. V. K. JOHN :—"Only after the mover finishes his speech because he cannot be interrupted, a Government member can move and say, let us pass on to the next item. Is it the opinion of the Advocate-General that the mover should finish his speech?"

THE ADVOCATE-GENERAL (Sri K. Rajah Ayyar) :—"Yes."

\* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"We are thankful to the Advocate-General for the opinion that is

23rd January 1948] [Abdul Latif Farookhi Sahib Bahadur]

expressed by him. But the Hon. Sri Madhava Menon has tried to confuse the issue of the Advocate-General, which is the view taken by you afterwards."

MR. PRESIDENT :—" You do not know what the view that I have taken afterwards is."

\* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I mean tentative. I want to know one point, Sir. What is meant by the business under discussion? Supposing there are many items. I will just give an illustration. If there are three or four items in the Agenda and if one item is disposed of, is there any business? There is no business in the interval when one item is disposed of and before another item is taken up. In that interval, there is no business at all and therefore no motion can be moved in that interval. The other point which I want to place before you for your consideration is that a motion that any meeting can be adjourned may be moved either by a Government member or by any other non-official member of the House. But the point is, there was the motion of Sri Suryanarayana Rao and the motion of the Government member was that that item should be omitted and the next item should be taken up. In that case, the Government member was not right in moving that motion."

MR. PRESIDENT :—" The hon. Member should not be under the impression that it is meant only against the Government. It is a right given to any member. If the Government member had moved a motion and made a speech, it will not be possible for any other hon. Member to make another motion some time hence."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I submit that there is no business in the interval when one item is disposed of and before another item is taken up. In that interval there is no business at all."

\* DR. V. K. JOHN :—" I regret I cannot fully agree with the Advocate-General's opinion on this matter. The Advocate-General was of the opinion that there cannot be a motion that the business next in order in the list of business be taken up unless the mover has finished his speech and when the mover finishes his speech, the dilatory motion can be made. In my opinion discussion is different from a motion. We should give the same meaning to the motion under discussion as is given in the rules 63 and 72. We must as far as possible give the same meaning to the words used by the Legislature in the various rules. The Legislature makes a distinction between a motion and a discussion. Therefore, the Advocate-General, in my opinion, is not correct when he says that when the mover moves the motion, it is under discussion. The discussion starts only after the President calls for a discussion of the motion. Then there is the phrase 'at any time' there. At any time a member can make a motion that the business next in order in the list of business be taken up without previous notice and the business then in discussion shall be considered to be disposed of. We are worried with the words 'under

[Dr. V. K. John] [23rd January 1948]

discussion.' The intention of the Legislature must be ascertained by giving a reasonable interpretation to the words used. It may be that a motion is made that we pass on to the next business in the order after the business under discussion. It may be that no discussion has started. In my opinion you might move that the business next in order may be taken up at any time, even before the hon. Gentleman has begun his speech and therefore the Government was in order last time in moving that the next item in the order of business be taken up. It says that if the motion is passed after the discussion has started the business then in discussion shall be considered to be disposed of. Therefore, any Government member or any other member may make a motion that the business next in order in the list of business be taken after a motion has been discussed or before it, in other words at any time. I think I must emphasize this point. The Legislature has used three phrases; one is 'at any time', the other is 'business next in order', and the third is 'the business then under discussion'.

MR. PRESIDENT :—" If business No. 2 is under discussion, then the motion is that we pass on to No. 3."

\* DR. V. K. JOHN :—" You can pass on at any time. Let us see what is the business next in order; it means the next business to the one under discussion. In my opinion you cannot give the interpretation that it is under discussion after it is simply moved. Only after it is seconded, you put it to discussion. Then it is under discussion. That is the intention of the Legislature. I think we ought to give a commonsense interpretation and a reasonable interpretation to the wording used in the rule. I think the motion that was moved by the Hon. Minister for Food was quite in order. In my opinion we can make a motion that we pass on to the next business in the order of business at any time before the motion is moved and seconded and the business is under discussion or before it."

\* THE HON. MR. DANIEL THOMAS :—" Sir, I should like to make a suggestion for the consideration of the Advocate-General."

MR. PRESIDENT :—" I hope your suggestions are for my consideration also."

\* THE HON. MR. DANIEL THOMAS :—" Sir, the real difficulty arose in our attempt to reconcile these two phrases 'at any time' and 'under discussion.' Now, I agree with the interpretation of the Advocate-General when he says that till the actual motion is made, there is no business under discussion. Unless a motion is made, there is no discussion and we can pass on to the next item of business. But, I would go further and say that in order that a motion may be made, it should not only be moved but it should also be seconded. The reference of the hon. Dr. John to rule 75, I think, makes it very clear. It says: 'At any time after the expiry of six days from the publication of the Bill

23rd January 1948] [Mr. Daniel Thomas].

in the Gazette, the member in charge of the Bill may make one of the following motions in regard to his Bill, namely, (a) that it be taken into consideration by the Council either at once or at some future day to be then specified; etc.' On such a motion, a general discussion on the principles of the Bill may take place. It follows that until the motion has been moved and has been seconded, the second part of rule 75 does not come into operation. In order to reconcile these two rules, I am suggesting a practical working compromise because there are two phrases, namely 'at any time' and 'then under discussion' and we must reconcile them as best as we can in the light of the present rule 75. Therefore, I would like to interpret the words in rule 63 in the light of the meaning vested in rule 75 (2) which says: 'On such motion, the principle of the Bill and its general provisions may be discussed, but the details of the Bill shall not be discussed further than is necessary to explain its principle.' Therefore, there is no manner of doubt that what is under discussion is the motion after it is moved and seconded. If that interpretation is also applied to rule 63 which is the proper and legitimate interpretation, the conclusion will be arrived at that a motion to pass on to the next item of business can be made only after a motion is moved and duly seconded."

\* DR. V. K. JOHN :—" But the Government member making the motion need not be seconded."

\* MR. PRESIDENT :—" I would like to finish my ruling by 4 o'clock. I hope the House will excuse me if I give my ruling sitting because it is a very lengthy ruling. 3-45 p.m.

" Rule 63 contemplates four different kinds of motions, namely, (1) the meeting be adjourned or postponed, (2) the business be adjourned, (3) the business be postponed, and (4) the House pass to the business next in order. The point for decision is at what point of time can these motions be made. The motion that the House be adjourned or postponed presents no difficulty. By its very nature, it can be made either as soon as the House meets and before any business is actually taken up or subsequently even when the House is actually engaged in transacting any particular business. The difficulty is only regarding the other three motions. The question is when is it competent for the House to entertain any of the other three motions. In other words, as soon as the chair calls upon a member to move a particular motion set down in his name in the Agenda paper or even before, is it open to any other member to move any of these three motions. This question can be properly answered, if it is understood when the House can be said to be in possession of any subject to enable it to adjourn, postpone or pass over it. Does the preparation of the Agenda paper setting down the matters to be considered at the meeting, *ipso facto*, put them in the possession of the House, so as to give it jurisdiction to dispose of them in any manner competent to it, or should any particular subject be formally put in the possession of the House by a proposal and

[Mr. President]

[23rd January 1948]

seconding before the House can proceed to deal with it. In short, when does a matter set down in the list of business become a business in this sense, is the question. It strikes me as a very elementary proposition that the formality of proposing and seconding is necessary before the House can get seized of the matter. It is well-known that this is the accepted and well-recognized procedure adopted all over the world by all bodies and associations and even in ordinary public meetings for the conduct of their proceedings.

"Let us see if parliamentary procedure warrants any deviation in this procedure. It is well-known that the procedure of the Parliament in England forms the basis for the Rules of this House. It will be interesting and instructive to examine their procedure.

#### *Adjournment of meeting or business.*

"In May's Parliamentary practice, fourteenth edition, 1946, at page 381, it is stated thus:—

*'In the Commons, when the motion has been seconded, it merges in the question which is proposed by the Speaker to the House and read by him; after which the House is in possession of the question; and must dispose of it one way or another before it can proceed with any other business. At this stage of the proceeding the debate upon the question arises in both the Houses.'*

"From this it is clear that the House is not in possession of any business till the question is proposed by the Chair and as such the House is not competent to dispose of the business before that formality is gone through. Again on page 382 we find "modes of evading or superseding a question are (1) by moving the adjournment of the House or debate (the so-called dilatory motions) (2) by moving the previous question and (3) by amendment.' In the midst of the debate upon a question any member may move 'that this House do now adjourn' or 'that the debate be now adjourned.' From this also it is clear that these motions can only be made in the midst of a debate, the only exception being that a motion for adjournment of the House before or between the orders of the day can only be moved by a member of the Government. It is also stated on the same page 'that a dilatory motion cannot be made while a member is speaking but can only be offered by a member, who on being called by the Speaker in the course of the debate, is in possession of the House.' It is clear therefore that the motions for adjournment of the meeting or business mentioned in Rule 63 correspond to motions for adjournment of the House and the adjournment of the debate in the House of Commons.

#### *Postponement of meeting or business.*

"On page 382 of May's it is stated that in the Lords a future day may be specified in the motion for adjournment but in the Commons such a motion cannot be made and the motion should

23rd January 1948] [Mr. President]

be simply for adjournment. Rule 63 simply provides only for such a postponement. This is all the difference between adjournment and postponement.

*House passing on to business next in order.*

" This corresponds to what is called 'moving the previous question.' This is discussed on pages 383 and 384 of May's. The object of such a motion is 'to withhold from the decision of the House a motion that has been proposed by the Chair, by a motion which compels the House to decide, in the first instance whether the original motion shall or shall not be submitted to the vote of the House. The motion is 'that that question be not now put.' If this motion is carried the question is not put, the subject under discussion is dropped and the House automatically passes on to the subject next in order. So far as I can gather this is all what appears from the procedure in England. A motion of the kind in question, even before a motion is moved and seconded and proposed as a question from the Chair does not appear to be known in that country.

" Now let us examine the wording of Rule 63 and see if it warrants any change of procedure. The two phrases in the rule namely 'but not so as to interrupt a speech' 'the business then under discussion shall be considered to be disposed off' and the second proviso 'that a motion under this rule (covering all the four kinds of motions) cannot be made more than once during the debate on any question' leaves no room for doubt in my mind that it contemplates an actual debate in the possession of the House before any of these motions can be made.

" An argument was advanced that the rule says 'at any time' and that this phrase must be given a meaning. Obviously the phrase cannot mean what all it can connote. For instance it cannot be said that such a motion can be made while the House is not actually sitting. Taking the rule as a whole and the context it can only reasonably mean 'at any time during discussion' without being bound down by rules as to period of notice, etc., and to any particular point of time during discussion.

" Next it is argued, though not in the House, that as Rule 15 says that the order of the business in the list shall not be revised except by a motion accepted by the House, it tantamounts to giving the House jurisdiction over the matters set down on the list. I consider this argument unsound. The preparation of an agenda is only for convenience and serves only as notice to members that the proceedings will be conducted in a particular order and nothing more.

" Again rule 15 (3) is negative in character. Understood properly it is just a direction to the chair that the order of business should not be changed as it pleases. The reason is obvious. Notice having been given to all the members that the subjects will be taken up in a particular order, it should not be changed without their consent. This rule if at all, gives power to the House to alter only the order if it likes. The order in which

[Mr. President]

[23rd January 1948]

the subjects are to be taken is one thing and disposing of the subjects themselves is quite a different thing and the latter can be done only according to accepted principles of procedure.

"Next it is interesting to note how this question was dealt with before this in this Presidency as well as in the Central Legislature.

"In the Legislative Council Proceedings, February 1924, Vol. XVI, you find the following: Mr. C. P. Ramaswami Ayyar was called upon to make the motion against his name on the agenda. Mr. Rao Bahadur C. V. S. Narasimha Raju rose and asked for permission to move that the consideration of the item be postponed till the first day of the next session under S.O. No. 34 which corresponds to the present rule 63. The Hon. President Mr. Swamikannu Pillai said that the member had to wait until the motion was made. A discussion ensued and it was contended by some of the members that relying on the phrase 'at any time,' Mr. Raju's motion was in order. The President formulated two points for decision as follows:—

(i) whether the motion that any business be adjourned can be moved under S.O. No. 34 before the meeting at which the motion is made has become seized of the business in question;

(ii) whether in the particular case the Hon. the Law Member having been permitted to speak by the President, Mr. C. V. S. Narasimha Raju had the right to make the motion under S.O. No. 34 so as to prevent the Law Member from making his speech.

Though these two points were formulated, the Learned President did not decide point No. (1) but held on point No. (2) that the Hon. Law Member having been permitted to speak, Mr. Raju could not be permitted to move a motion so as to prevent the Hon. Law Member from making his speech. He said 'I consider that of the two honourable Members, the Hon. Law Member had obtained the right to speak first and except on the point of order he had the right not to be interrupted.' Thus point No. (1) was not squarely met and decided. But all the same the result was the Hon. Law Member was allowed to go on with his motion and the adjournment motion could not be moved.

"The question rose again in March 1927 while Mr. C. V. S. Narasimha Raju was the President. There was a motion in the name of Mr. Satyamurthi on the agenda. Diwan Bahadur Krishnan Nair wanted to move for adjournment of this item. Mr. Satyamurthi objected and said that no adjournment could be moved before he makes the motion. The President expressed his opinion that when once the list of business is prepared it becomes an agenda for procedure in the House. Then Mr. Sami Venkatachellam Chetti raised the point, whether in that view any item which is in the list prepared by the Secretary even though it may not be reached, may be moved to be adjourned. The President said that it could be done. Ultimately Diwan Bahadur Krishnan Nair was allowed to move the motion for adjournment and that was carried.

23rd January 1948]

[Mr. President]

"In 1926, this question came up before the Hon. Mr. V. J. Patel in the Central Legislative Assembly. Sir P. S. Sivaswami Ayyar had a motion against his name regarding training of Indians for nautical careers. Diwan Bahadur T. Rangachariar wanted permission to move for its adjournment even before Mr. Sivaswami Ayyar made his motion. The President remarked thus: 'A motion for adjournment of the debate can only be moved after the resolution has been formally moved.' That ruling was obeyed and Sivaswami Ayyar was allowed to make his motion.

"In 1928 a conference of all Presidents of Legislative Councils was held presided over by the Hon. Mr. V. J. Patel. There a question, namely, can a motion for the postponement of any item included in the list of business be made before the item is actually reached, came up for discussion. The President of the Madras Legislative Council, Mr. Raju, referring obviously to his ruling mentioned above, said that such a practice existed in Madras. The general sense of the conference was that no motion for postponement of any business can be made until that business is reached though the conference did not in terms decide the further question, whether a motion should actually be made before it is sought to be adjourned. Yet it is clear considering the fact that the question before the conference was a corollary to the opinion expressed by Mr. C. V. S. Narasimha Raju as contended by Sri Sami Venkatachallam Chetti and considering also the fact that the conference was presided over by the Hon. Mr. Patel who had already given the ruling quoted above, it may solely be taken that the opinion of Mr. C. V. S. Narasimha Raju was not approved by the conference.

"It looks to me the cardinal principle underlying this matter is this. We must not forget that the House consists of Government members and members of various other parties also. It may be that one party or another does not want to discuss a particular subject. When we want the House to come to a decision on a particular subject, we must tell the House what the subject is. Without allowing the member to say what he wants to say, without putting any matter definitely before the House, I should think it is unfair to ask the House to come to a decision on any point. Unless any point is before the House, unless any motion is before the House, unless the member is given an opportunity to convince the House why the subject should be taken up immediately and not adjourned, the House cannot come to a conclusion whether the business can be taken up or postponed. According to me that is a very fundamental principle which we ought not to forget. Before we ask the House to come to a decision on any particular subject, the House must know what the subject is. For all these reasons, I think the rule as it stands contemplates as regards the three latter motions that the subject must be moved and seconded. It is only then that any member can have a right to move an adjournment or postponement. I prefer to follow the procedure in the House of Commons as well as the ruling given by Hon. V. J. Patel.

[Mr. President] [23<sup>rd</sup> January 1948]

"I am aware that it may be the intention of the kind of motion under discussion that the particular subject should not at all be discussed and that in effect the House should not hear anything about it. If that is the idea, the only course seems to be first to move under rule 15 for revising the order in the list of business and putting the particular business at the end of the list, and when it is reached to move for an adjournment of the House, as was done the other day. This is no doubt a devious method, but there is no escape from it."

SRI S. B. ADITYAN :—"As a result of your ruling, Sir, may I take it that the resolution of Mr. Suryanarayana Rao is not disposed of and it will be in the list of business."

MR. PRESIDENT :—"The hon. Member is well aware of the rule that whatever mistakes the House has committed cannot be undone."

THE HON. SRI K. MADHAVA MENON :—"Can a motion under rule 15 (3) be moved at any time, Sir? That is with reference to changing the order of business."

MR. PRESIDENT :—"I think so. There is no time fixed there. I am not going to give any ruling on that point. I suppose you can do it at any point. It only says that the order of business as arranged in the list shall not be revised except on a motion accepted by the House. It does not give any time."

SRI S. B. ADITYAN :—"Sir, what your ruling amounts to is that Mr. Suryanarayana Rao's motion was not under discussion. Therefore it could not have been disposed of."

MR. PRESIDENT :—"My ruling is there on that date. I cannot set aside that ruling. That ruling, right or wrong stands. This ruling is only for future guidance."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Has not that ruling been cancelled subsequently by this ruling?"

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—"Sir, does not this ruling of yours overrule the previous ruling?"

MR. PRESIDENT :—"I say it does not. That ruling stands for that date."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"For future guidance, we should take the latter ruling and not the former one."

DR. V. K. JOHN :—"Can a ruling be given, Sir, when a question is not before the House?"

MR. PRESIDENT :—"The President can do anything he likes." (Laughter.)